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IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	PATENT
Jan TUMA	:	
Serial No.: 10/579,064	:	Art Unit: 1774
Filed: May 11, 2006	:	Examiner:
For: <b>DISPLAY DEVICE</b>	:	

**SUBMISSION OF ENGLISH LANGUAGE  
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the above-identified application.

Respectfully submitted,

Mark S. Bicks  
Reg. No. 28,770

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1300 19th Street, NW, Suite 600  
Washington, DC 20036  
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Dated: March 28, 2007

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

Bartels und Partner  
Patentanwälte

Eingegangen:  
Received:

15. NOV. 2006

BARTELS UND PARTNER  
Lange Strasse 5  
70174 Stuttgart  
ALLEMAGNE

TERMIN .....

Date of mailing (day/month/year) 09 November 2006 (09.11.2006)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 10rdb/129357/PCT	
International application No. PCT/EP2005/003106	International filing date (day/month/year) 23 March 2005 (23.03.2005)
Applicant GOTTLIEB BINDER GMBH & CO. KG et al	

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Ellen Moyse

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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 10rdb/129357/PCT	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/EP2005/003106	International filing date ( <i>day/month/year</i> ) 23 March 2005 (23.03.2005)	Priority date ( <i>day/month/year</i> ) 29 March 2004 (29.03.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant GOTTLIEB BINDER GMBH & CO. KG			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*. 1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input checked="" type="checkbox"/> | Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis*. 2).

Date of issuance of this report 01 November 2006 (01.11.2006)
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Authorized officer
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Ellen Moyse

e-mail: pt05@wipo.int
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1211 Geneva 20, Switzerland

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Form PCT/IB/373 (January 2004)

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

**10rdb/129357/PCT**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/EP2005/003106**

International filing date (day/month/year)

**23.03.2005**

Priority date (day/month/year)

**29.03.2004**

International Patent Classification (IPC) or both national classification and IPC

**G09F9/00**

Applicant

**GOTTLIEB BINDER GMBH & CO. KG**

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input checked="" type="checkbox"/> | Box No. VII  | Certain defects in the international application   |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/003106

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/003106

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

YES

Claims 1, 2, 5-16

NO

Inventive step (IS)

Claims

YES

Claims 1-3, 5-16

NO

Industrial applicability (IA)

Claims

1-16

YES

Claims

NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: US 6 317 108 B1 (KALT CHARLES G)

13 November 2001 (2001-11-13)

D2: US 5 818 998 A (HARRIS ET AL.)

6 October 1998 (1998-10-06)

D3: WO 02/071382 A (VISIBLE TECHNOLOGY, LLC)

12 September 2002 (2002-09-12)

D4: EP 1 248 141 A (PIONEER CORPORATION)

9 October 2002 (2002-10-09)

D5: US 6 402 336 B1 (REESE DONALD)

11 June 2002 (2002-06-11)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D1 (see column 26, lines 44-51, figure 1, 9, 10, 12) discloses (the references between parentheses relate to this document):

a display apparatus having a multiplicity of

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/003106

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

pixels (24), where the pixels can be actuated individually or in groups using actuation electronics, and where the display apparatus has a first two-dimensional substrate (52), characterized in that the first two-dimensional substrate has, on a first surface, fastening elements which project, at least in sections, from the first surface (see column 26, line 49) for the purpose of detachably fixing the display apparatus on a carrier device through the interaction of the fastening elements on the first two-dimensional substrate with the carrier device.

2.2 Reference is made to the fact that the subject matter according to claim 1 is also otherwise not novel over the disclosure of each document D2 - D5 cited in the international search report.

3 DEPENDENT CLAIMS 2, 3, 5-16

Claims 2, 3, 5-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

4 It is currently not possible to tell what part of the application might form the basis of a novel, grantable claim. Should the applicant nevertheless consider an individual subject matter to be novel and inventive then he should submit an independent claim which relates to this subject matter and which is drafted in accordance with PCT Rule 6.3 (b).

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/003106

Box No. VII      Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- 1      To meet the requirements of PCT Rule 5.1 (a) (ii), the description needs to cite documents D1-D5; their relevant content should be briefly outlined. The applicant should make it clear in the description what features of the subject matter of independent claim 1 are already known from documents D1-D5.
  
- 2      When submitting amended claims, the applicant should bring the description into line with the amended claims at the same time. When revising the application, particularly the introductory part and the presentation of the problem or the advantages of the invention, it should be ensured that its subject matter does not go beyond the content of the application in the originally submitted version (PCT Article 34(2) (b)).



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/003106

Box No. VIII      Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- 1      The expression "*particularly*" in claims 2, 6, 10, 14 does not restrict the scope of protection of the patent claims. The features which come after such an expression can be considered entirely optional (PCT Guidelines S-IV, 5.40). These features can be retained as the subject matter of a new dependent claim.
- 2      Some of the features in apparatus claims 5, 12, 13, 15 relate to a method for producing the apparatus and not to the definition of the apparatus on the basis of its technical features. The intended restrictions are therefore not clear from the claim, contrary to the requirements of PCT Article 6.